

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

IN RE DRAFTKINGS INC. SECURITIES LITIGATION )  
 ) No. 1:21-cv-05739 (PAE)  
 )  
 )  
 )  
 )  
 )  
 )

---

**DEFENDANTS' MOTION TO DISMISS  
THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that Defendant DraftKings Inc. (“DraftKings”), together with Defendants Jason D. Robins, Jason K. Park, Jeff Sagansky, Eli Baker and Shalom Meckenzie (collectively, the “Individual Defendants”), will respectfully move this Court, before the Honorable Paul A. Engelmayer, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, on a date and time designated by the Court, for an order dismissing the Amended Complaint (the “Complaint”) in its entirety, with prejudice, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), and the Private Securities Litigation Reform Act of 1995, 78 U.S.C. § 78u-4 (the “PSLRA”), because the Complaint fails to state a claim upon which relief can be granted.

The motion is supported by the accompanying Memorandum of Law, dated February 22, 2022, and the Declaration of Brian T. Frawley, dated February 22, 2022.

Per the Court’s November 22, 2021 Order (ECF No. 49), Plaintiff’s opposition, if any, is due April 5, 2022, and Defendants’ reply is due April 26, 2022.

Dated: February 22, 2022  
New York, New York

Respectfully submitted,

/s/ Brian T. Frawley

Brian T. Frawley  
Timothy J. Weinstein  
Charles H. Sullivan  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004  
Telephone: (212) 558-4000  
Facsimile: (212) 558-3588

*Attorneys for Defendants DraftKings Inc.,  
Jason D. Robins, Jason K. Park, Jeff Sagansky,  
Eli Baker and Shalom Meckenzie*